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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,536	09/22/2005	Ulrich Durr	ICB0224	3109
24203	7590	03/30/2009		
GRIFFIN & SZIPL, PC SUITE PH-1 2300 NINTH STREET, SOUTH ARLINGTON, VA 22204			EXAMINER HEINRICH, SAMUEL M	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 03/30/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,536

Applicant(s)

DURR ET AL.

Examiner

Samuel M. Heinrich

Art Unit

3742

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12, 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US20020009843A1 to Kyusho et al in view of USPN 6,414,980 to Wang et al.

Kyusho et al show (Front Page) laser pumping section 1a, modulator 1c, and resonator 4.

Wang et al describe (Abstract and Description of the Invention, columns 4-6) solid state laser machining apparatus with diode optical pumping.

The combination would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because diode optical pump has well known operation and is compact.

Note, process intended uses do not impart patentability to the apparatus claims.

Claims 14, 15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US20020009843A1 to Kyusho et al in view of USPN 6,414,980 to Wang et al as applied to claims 12 and 13 above, and further in view of USPN 6,539,035 to Yoda et al.

Yoda et al describe (column 5, lines 53+) resonator 15 which supplies pulses for amplification and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art for appropriately diverged pulses.

Note, process intended uses do not impart patentability to the apparatus claims.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US20020009843A1 to Kyusho et al in view of USPN 6,414,980 to Wang et al as applied to claim 13 above, and further in view of USPN 4,114,018 to Von Allmen et al.

Von Allmen et al describe (column 6, lines 54+) polarizer and quarter-wave plate and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art for energy application control.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US20020009843A1 to Kyusho et al in view of USPN 6,414,980 to Wang et al in view of

USPN 6,539,035 to Yoda et al as applied to claim 15 above, and further in view of USPN 4,114,018 to Von Allmen et al.

Von Allmen et al describe (column 6, lines 54+) polarizer and quarter-wave plate and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art for energy application control.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US20020009843A1 to Kyusho et al in view of USPN 6,414,980 to Wang et al in view of USPN 6,539,035 to Yoda et al as applied to claims 14 and 18 above, and further in view of USPN 5,828,683 to Freitas.

Freitas describe (column 1, lines 17+) both flash lamp and diode pumped solid state lasers and the use of a flash lamp would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because of relative availability of the flash lamp.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US20020009843A1 to Kyusho et al in view of USPN 6,414,980 to Wang et al as applied to claim 12 above, and further in view of USPN 5,381,437 to Kuwabara et al.

Kuwabara et al describe (Abstract) well known solid state laser outputting a linear polarized beam and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because of its suitable power for machining.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over US20020009843A1 to Kyusho et al in view of USPN 6,414,980 to Wang et al in view of

USPN 6,539,035 to Yoda et al in view of USPN 5,828,683 to Freitas as applied to claim 21 above, and further in view of USPN 5,377,212 to Tatsuno et al.

Tatsuno et al describe (column 5, line 38+) well known Nd:YVO solid laser generating linearly polarized light and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art in material machining application.

Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US20020009843A1 to Kyusho et al in view of USPN 6,414,980 to Wang et al as applied to claim 12 above, and further in view of USPN 6,664,498 to Forsman et al.

Forsman et al describes (e.g., column 12, lines 10+) laser machining with a primary pulse. Note, process intended uses do not impart patentability to the apparatus claims.

Response to Arguments

Applicant's arguments with respect to claims 12-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M. Heinrich whose telephone number is 571-272-1175. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel M Heinrich/
Primary Examiner, Art Unit 3742